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METROPOLITAN LIFE INSURANCE COMPANY

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

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13 MARY L. FELICIANO,

14 Plaintiff,

15 v.

16 METROPOLITAN LIFE INSURANCE
COMPANY,

17 Defendant.

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19 WHEREAS plaintiff Mary L. Feliciano filed this action in California Superior Court,
20 pleading causes of action only under California state law;

21 WHEREAS, defendant Metropolitan Life Insurance Company filed a Notice of Removal
22 removing the action to this Court on grounds that plaintiff's causes of action all pertain to a claim
23 for benefits under an employee welfare benefit plan and are preempted by the Employee
24 Retirement Income Security Act ("ERISA"), 29 U.S.C. section 1001, et seq.;

25 WHEREAS, the parties agree that under the facts and evidence presently known plaintiff's
26 causes of action under California state law are preempted by ERISA, and

27 WHEREAS, the parties wish to avoid the time and expense of a motion by the defendant

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CASE NO. C 06-05458 SI
**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL OF STATE
LAW CLAIMS AND FILING OF
AMENDED COMPLAINT UNDER ERISA**

1 to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure and a motion by the plaintiff
2 to remand under 28 U.S.C. section 1447;

3 NOW, THEREFORE, the parties hereby stipulate and agree that plaintiff dismisses her
4 causes of action presently pled under California state law, and shall file an amended complaint
5 under ERISA not later than February 2, 2007, and defendant shall file its responsive pleading
6 within 20 days of the date of service of such amended complaint. Plaintiff reserves the right to
7 seek leave of Court to further amend her pleadings in the event such amendment appears to be
8 warranted by facts or evidence later discovered.

9 DATED: January 12, 2007

Law Offices of Stephen M. Feurch

10 By:

Stephen M. Feurch
Attorneys for Plaintiff
Mary L. Feliciano

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13 DATED: January 12, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

14 By:

Rebecca A. Hull
Michael N. Westheimer
Attorneys for Defendant
Metropolitan Life Insurance Company

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ORDER

20 Based upon the parties' stipulation, and good cause appearing, IT IS SO ORDERED.
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22 Dated: _____

23 Hon. Susan Illston
24 United States District Judge

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